

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CR-18-227-SLP
)	
)	
JOSEPH MALDONADO-PASSAGE,)	
)	
Defendant.)	

OBJECTION TO RULE 404(b) NOTICE - DOC. 63

Counsel for defendant Joseph Maldonado-Passage, submit the following objection to the government's Notice of Intent to Introduce Rule 404(b) Evidence, Doc. 63, filed March 5, 2019. In the notice, the government advises it will seek to introduce testimony from witnesses that Mr. Maldonado-Passage solicited them to commit the murder of C.B.. Mr. Maldonado-Passage objects to the admission of this evidence.

The admission of evidence pursuant to Rule 404(b), Fed.R.Evid., is governed by the facts of the case before the Court. Under the facts of this case, the only purpose in seeking to introduce this testimony is to show Mr. Maldonado-Passage acted in conformity with prior conduct when he allegedly engaged in a murder for hire scheme as alleged in Counts 1 and 2 of the Superseding Indictment. Rule 404(b), Fed.R.Evid., specifically prohibits introduction of a defendant's other acts to either inferentially prove his character or to show he acted in conformity with his previous conduct. This evidence bears a substantial danger of prejudicial impact on Mr. Maldonado-Passage and the Court should refuse to allow admission of the evidence under Rule 403 and 404(b), Fed.R.Evid..

Respectfully submitted,

s/ William P. Earley

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CERTIFICATE OF SERVICE

I hereby certify that on this the 8th day of March, 2019, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic filing to the following ECF registrants: Amanda Green and Charles Brown, Assistant United States Attorneys.

s/ William P. Earley

WILLIAM P. EARLEY